

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Johnny B. Anderson, Jr.,

Case No. 3:11cv1536

Plaintiff

v.

MEMORANDUM OPINION
AND JUDGMENT

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation of the Magistrate Judge filed December 17, 2012, in the above-entitled action. Under the relevant statute:

Within fourteen (14) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C.A. § 636(b)(1). In this case, the fourteen day period has elapsed and the Commissioner has indicated he will not file objections (Doc. No. 26) to the Report and Recommendation.

The failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1994), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

As no objections have been lodged, I adopt the Report and Recommendation in its entirety as the Order of the Court. The Commissioner's decision finding Anderson not disabled is reversed and remanded for further proceedings consistent with the Report and Recommendation (Doc. No. 24).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge